

1 THE HONORABLE FRANKLIN D. BURGESS
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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,)
10 Plaintiff,)
11 v.)
12 GARY LEE JACKSON,)
13)
14 Defendant.)
15

) NO. CR06-5060FDB
)) ORDER CONTINUING
)) TRIAL AND PRETRIAL
)) MOTIONS CUTOFF
)) DATE

ORDER

16 The Court having reviewed the records and files herein and considered the
17 stipulation of the government and defendant Jackson makes the following findings and
18 enters the following order:

19 1. On February 1, 2006, a Grand Jury indicted Gary Lee Jackson with False
20 Communication Regarding a Tainted Consumer Product, in violation of Title 18,
21 United States Code, Section 1365©).

22 2. On February 8, 2006, former defense counsel moved to withdraw. On
23 February 10, 2006, the Magistrate Court granted the motion to withdraw and directed that
24 Zenon P. Olbertz be appointed to represent Defendant.

25 3. Newly appointed defense counsel has informed the government that, due to
26 his current caseload, additional time is needed to review the discovery, examine the
27 physical evidence, prepare any pretrial motions and to prepare for trial, if necessary.

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2 4. The Assistant United States Attorney assigned to this matter has advised
3 that she will be out-of-town taking a ten-day course between March 13 and March 26,
4 2006, and therefore requires additional time to respond to pretrial motions, file trial
5 documents and attend the pretrial conference currently scheduled for March 31, 2006.

6 5. The ends of justice outweigh the best interest of the public and the
7 defendant in a speedy trial. That failure to grant a continuance based upon the parties'
8 need to prepare the matter for trial, in the event settlement negotiations fail, would result
9 in a miscarriage of justice.

10 6. The parties have requested and stipulated to a continuance and the defendant
11 must sign and file a written waiver of speedy trial which will be filed with the Court no
12 later than March 15, 2006.

13 IT IS HEREBY ORDERED that the trial in this matter be continued to June 12,
14 2006 and the pretrial motions cutoff date is continued from March 3, 2006 to April 4,
15 2006.

16 IT IS FURTHER ORDERED that, for purposes of computing the time limitations
17 imposed by the Speedy Trial Act, Title 18, United States Code, Sections 3161-3164, the
18 period of delay from April 10, 2006 up and to and including June 12, 2006, is excludable
19 time pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(iv);

20 DONE this 10th day of March, 2006.



21
22 FRANKLIN D. BURGESS
23 UNITED STATES DISTRICT JUDGE
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25 Presented by:

26 s/ Patricia C. Lally
27 WSBA # 28910
28 Assistant United States Attorney
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